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FOURTH AVENUE GAMBELL, LLC
EXHIBIT D

USEPA SF

1460653

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

THE FOURTH AVENUE GAMBELL,)
An Alaska Limited Partnership,)

Plaintiff,)

v.)

NORTHERN COMMERCIAL)
COMPANY, INC.,)

Defendant.)
_____)

COMPLAINT TO
QUIET TITLE

COPY
Original Received

MAY 27 2004

Clerk of the Trial Court

Case No. 3AN-04-_____

COMES NOW, THE FOURTH AVENUE GAMBELL, LP, by and through its attorneys, the LAW OFFICES OF ERWIN & ERWIN, LLC, and hereby states its complaint as follows:

I.

THE FOURTH AVENUE GAMBELL LIMITED PARTNERSHIP is an Alaska Limited Partnership with its principal place of business at 1343 G Street, Suite 1, Anchorage, AK 99501. The Certificate of Limited Partnership was filed with the State of Alaska on May 29, 1979.

II.

PAUL MANEY is the General Partner of THE FOURTH AVENUE GAMBELL LIMITED PARTNERSHIP and he resides in Anchorage, Alaska.

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FOURTH AVENUE GAMBELL, LLC
EXHIBIT D

Bates 17

III.

On May 24, 1979, THE FOURTH AVENUE GAMBELL LIMITED PARTNERSHIP purchased the following described real property located in the Municipality of Anchorage, Alaska, from the NORTHERN COMMERCIAL COMPANY, INC., for \$375,000 plus 10.25% interest:

PARCEL 1: Lot Eight "A" (8-A), Block Twenty-six "A" (26-A), EAST ADDITION TO THE TOWNSITE OF ANCHORAGE, according to the official plat thereof, filed under Plat No. 64-100, records of the Anchorage Recording District, Third Judicial District, State of Alaska.

PARCEL 2: Lots Ten (10), Eleven (11) and Twelve (12), Block Twenty-six "A" (26-A), EAST ADDITION TO THE TOWNSITE OF ANCHORAGE, according to the official plat thereof, filed under Plat No. C-18, records of the Anchorage Recording District, Third Judicial District, State of Alaska.

IV.

The parties entered into a Deed of Trust and Deed of Trust Note dated May 24, 1979 naming NORTHERN COMMERCIAL COMPANY, INC., a foreign corporation doing business in Alaska, as beneficiary, a copy of which is attached hereto as Exhibits A and B.

V.

THE FOURTH AVENUE GAMBELL LIMITED PARTNERSHIP made payments on said Deed of Trust and Deed of Trust Note pursuant to the agreement until September 8, 1992, until they discovered that the property contained previously undisclosed contamination.

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VI.

That THE FOURTH AVENUE GAMBELL LIMITED PARTNERSHIP has exercised complete control over such property from May of 1979 and has paid all taxes and insurance on said property to date.

VII.

No payments on the note and/or interest have been made by THE FOURTH AVENUE GAMBELL LIMITED PARTNERSHIP since September 8, 1992.

VIII.

The Statute of Limitations on said debt and the Deed of Trust has expired and no civil action for debt or foreclosures occurred during the period from September 8, 1992 until May, 2004.

IX.

THE FOURTH AVENUE GAMBELL LIMITED PARTNERSHIP is entitle to Quiet Title to the property in question and a decree should be entered voiding the Deed of Trust with NORTHERN COMMERCIAL COMPANY, INC.

X.

Plaintiff has been informed that all assets and liabilities of NORTHERN COMMERCIAL COMPANY have been purchased or transferred to SKINNER CORP., a Washington Corporation, doing business in Alaska.

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WHEREFORE, Plaintiff prays for the following relief:


1. A judgment by the court quieting title in THE FOURTH AVENUE GAMBELL LIMITED PARTNERSHIP of the property in question which cuts off all claims to the property by NORTHERN COMMERCIAL COMPANY, INC.

2. Such other relief as the Court finds is just and equitable;

3. Any costs and attorney fees for this action.

DATED this 27th day of May, 2004, at Anchorage, Alaska.

ERWIN & ERWIN, LLC
Attorneys for THE FOURTH
AVENUE GAMBELL LIMITED
PARTNERSHIP


Robert C. Erwin
ABA # 6101004

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